

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 13-29 that are pending and stand in the above-identified patent application. In view of the following discussion, Applicant submits that all pending claims are in condition for allowance.

At page 2 of the Office Action, the Examiner rejected claims 13-30 under 35 U.S.C. § 102(b) as being anticipated by JP 11-206855 to TOSHO (hereinafter referred to as “the ‘855 reference”). Applicant respectfully traverses the Examiner’s rejection.

Independent claims 13, 21, 23, and 29 recite a drug cassette which ejectably accommodates drugs; a base unit which detachably supports the drug cassette and drives a motor to eject drugs; a reading device which reads identification information assigned to the drug cassette; and a checking means which compares a result of reading with pre-stored check data.

The Examiner alleges that the ‘855 reference discloses a drug cassette (see abstract), a base unit which detachably supports the drug cassette and drives a motor to eject drugs (see abstract); a reading device; and a checking means as claimed in the instant application. Applicant respectfully disagrees with the Examiner.

Applicant submits that the ‘855 reference does not disclose each and every element of the subject independent claims. Pursuant to MPEP §706.02, “[w]hen an abstract is used to support a rejection, the evidence relied upon is the facts contained in the abstract, not additional facts that may be contained in the underlying full text document.” However, Applicant submits that the ‘855 reference was filed by the Applicant and that the ‘855 reference in its entirety does not disclose or suggest the structure of the present invention as claimed or the purpose of the invention in the instant application. The ‘855 reference is directed to a tablet packing machine. The machine 40 of the ‘855 reference causes selected tablets 1 to drop from a large number of tablet feeders 14 stored in a drug storage and to be collected by a collecting hopper for packaging. Before being packed, the tablets 1 are fed by a conveyer 52 to a tablet identification apparatus for inspection. The tablet identification apparatus captures an image of each of the tablets 1 with a camera so as to identify the type of the tablet 1. Machine 40 further includes a tablet sorting device 30 and an audit counter 20 for the purposes of tablet packing.

The present invention includes “a drug cassette which ejectably accommodates drugs” and “a base unit which detachably supports the drug cassette and drives a motor to eject drugs” as claimed.

(Emphasis added.) The present invention further includes “a reading device which reads identification information assigned to the drug cassette” and “a checking means which compares a result of reading with pre-stored check data” as claimed. (Emphasis added.) Thus, the instant application is directed to an invention which helps drug cassettes to be properly attached to or detached from the base unit by checking if the appropriate drug cassette is attached to the base unit. As discussed in the specification of the instant application at paragraphs [0122] – [0123], by allowing a drug cassette to be checked for identification at the base unit of each drug feeder, correspondence between subjects of checking is directly confirmed by visual observation. Accordingly, the check of data is easier than would otherwise be the case, particularly when there are a large number of drug feeders.

The ‘855 reference does not disclose or suggest a drug cassette, a base unit, a reading device, and a checking means as claimed. The ‘855 reference is silent as to these structural features and therefore does not include the function of checking if the appropriate drug cassette is attached to the base unit.

In view of the above, Applicant submits that independent claims 13, 21, 23, and 29 are patentable. As claims 14-20, 22, 24-28, and 30 depend from independent claims 13, 21, 23, and 29, respectively, and recite additional patentable features, the subject claims are, therefore, likewise patentable. Accordingly, Applicant respectfully requests that the Examiner’s §102 rejection be withdrawn.

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

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Respectfully submitted,

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